

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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JOSE ANTONIO RODRIGUEZ,

Case No. 3:23-cv-00660-MMD-CLB

Petitioner,

ORDER

v.

DAVID A. HARDY, *et al.*,

Respondents.


In this habeas corpus action, Petitioner Jose Antonio Rodriguez, who is represented by appointed counsel, was scheduled to file an amended habeas petition by May 9, 2024. (ECF No. 6.) On May 9, 2024, Rodriguez filed a motion for extension of time (ECF No. 8), requesting a 91-day extension to August 8, 2024. Rodriguez's counsel states that they need the extension because of personal medical issues. (ECF No. 8 at 2.) Counsel adds that Rodriguez has completed his direct appeal in state court but has not yet pursued state post-conviction remedies. (*Id.*) This would be the first extension of this deadline. The Court finds that the motion for extension of time is made in good faith and not solely for the purpose of delay, and that there is good cause for the extension of time requested.

Given that Rodriguez has yet to pursue state post-conviction remedies, there may be reason to stay this case pending completion of Rodriguez's state post-conviction proceedings, instead of repeatedly extending the time for the amended petition pending completion of the state post-conviction proceedings while this case remains open but effectively inactive. If Rodriguez, in consultation with counsel, believes a stay would be appropriate, the Court would invite a motion, or perhaps a stipulation if Respondents agree, requesting such a stay. However, in suggesting that such a motion or stipulation

1 may be called for, the Court expresses no opinion on and does not intend to affect in any  
2 manner the operation of any applicable statute of limitations.

3 It is therefore ordered that Petitioner's Motion for Extension of Time (ECF No. 8) is  
4 granted. Petitioner will have until and including August 8, 2024, to file an amended petition  
5 for writ of habeas corpus. In all other respects, the schedule for further proceedings set  
6 forth in the order entered February 9, 2024, (ECF No. 6) remains in effect.

7 DATED THIS 10<sup>th</sup> day of May 2024.

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12 MIRANDA M. DU  
13 CHIEF UNITED STATES DISTRICT JUDGE  
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